

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ARMANDO ARMENDARIZ-GARCIA,

Petitioner,

v.

ROBERT WERLINGER, Warden,
Federal Correctional Institution – Oxford,

Respondent.

ORDER

12-cv-659-wmc

Federal prisoner Armando Armendariz-Garcia (#26900-051) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the loss of 41 days of good time credit as a result of a prison disciplinary proceeding. In August 2013, the respondent filed a motion to dismiss, arguing that Armendariz-Garcia's claims are barred by the doctrine of procedural default and, alternatively, that his petition is without merit. To date, Armendariz-Garcia has not filed a response and his time to do so has expired.

Public records confirm that Armendariz-Garcia was released from prison on December 18, 2013, which is probably why he has chosen not to proceed. Moreover, now that he has been released, his habeas claim has been rendered moot. In any event, Armendariz-Garcia having provided the court no forwarding address, has effectively abandoned his petition. Under the inherent power necessarily vested in a court to manage its own docket, the petition will be dismissed without prejudice for want of prosecution. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Ohio River Co. v. Carrillo*, 754 F.2d 236, 238 n.5 (7th Cir. 1984).

ORDER

IT IS ORDERED that:

1. The habeas corpus petition filed by Armando Armendariz-Garcia is DISMISSED without prejudice for want of prosecution.
2. The clerk's office shall terminate all pending motions and close this case.

Entered this 24th day of January, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge